



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2012-13

LEGISTAR #: 20121076

LANDOWNERS: YRE 1, LLC
David Youssi
1014 Towne Lake Hills East
Woodstock, GA 30189

APPLICANT: David Youssi
1014 Towne Lake Hills East
Woodstock, GA 30189

PROPERTY ADDRESS: 25 Trammell Street

PARCEL DESCRIPTION: Land Lot 12900, District 16, Parcel 0030

AREA: 0.152 acs.

COUNCIL WARD: 3

EXISTING ZONING: OI (Office Institutional)

REQUEST: OI w/residential use (Office Institutional with residential use)

FUTURE LAND USE MAP

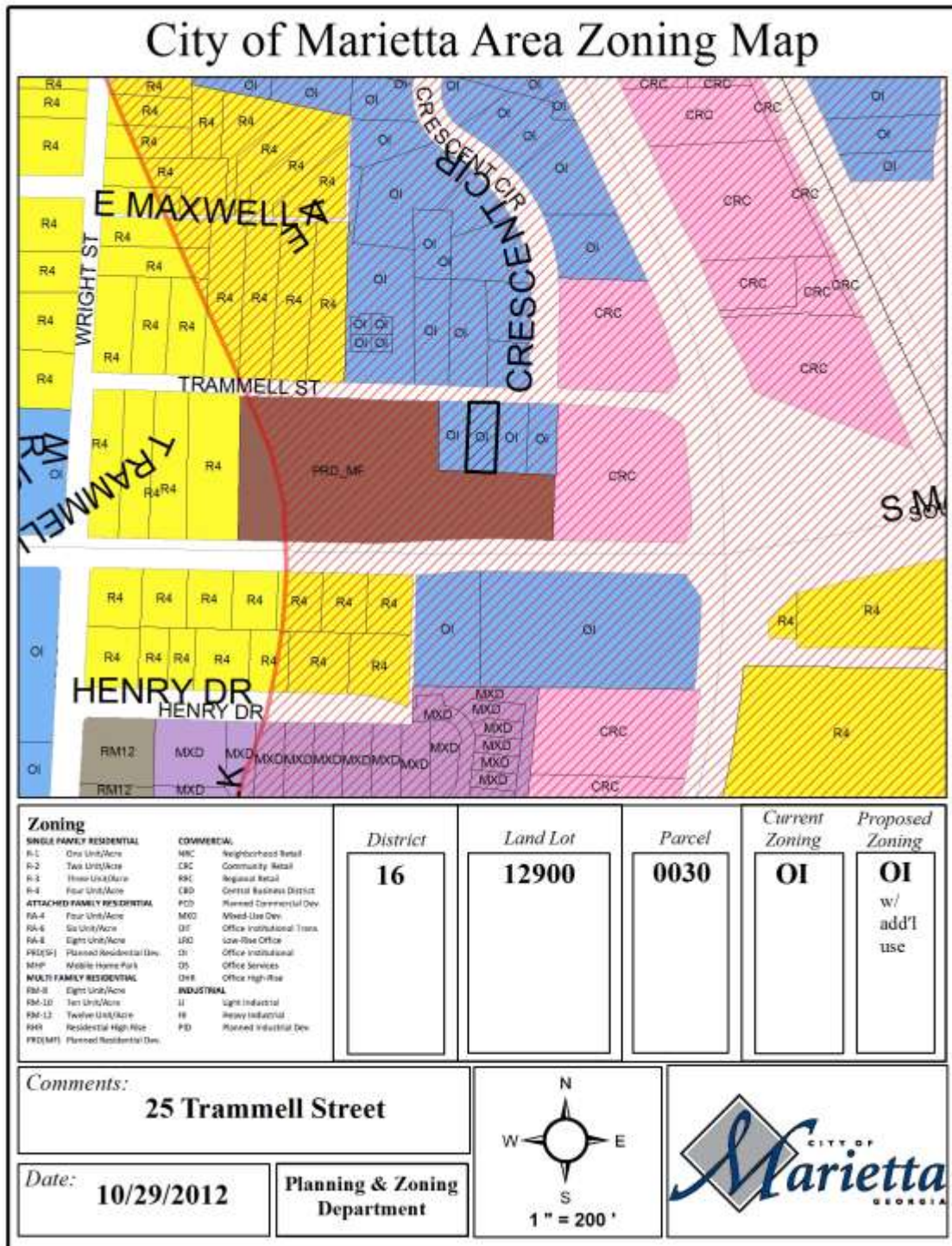
RECOMMENDATION: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting the rezoning of this property from OI to OI with an additional use so the property may be used as a residence.

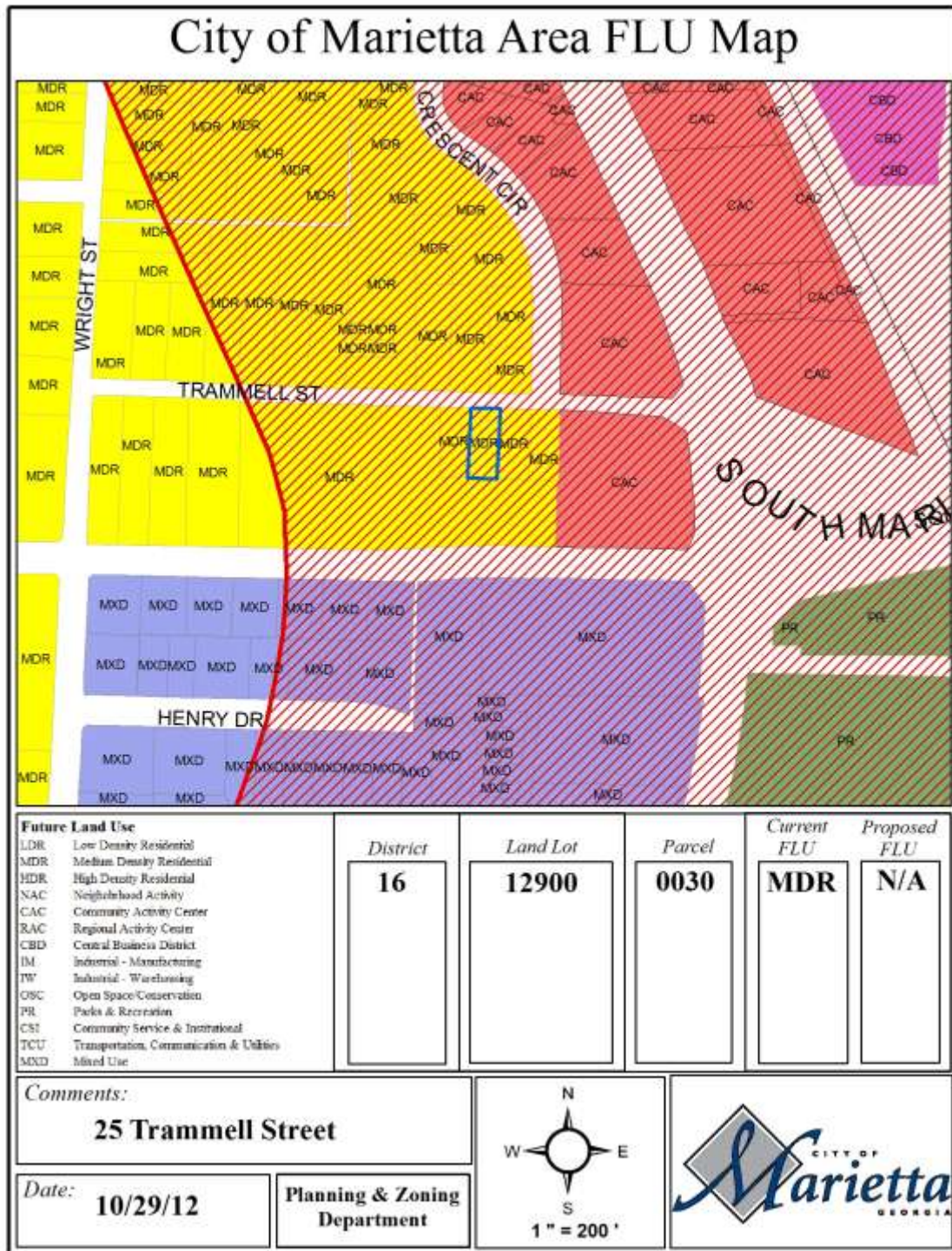
PLANNING COMMISSION HEARING: Tuesday, December 4, 2012 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, December 12, 2012 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



25 Trammell Street



25 Trammell Street (shared driveway)



Wooden retaining wall



Concrete steps



Residence to the west (right side)



Office to the east (left side)



Parking area



STAFF ANALYSIS

Location Compatibility

David Youssi is requesting the property located at 25 Trammell Street be rezoned from OI (Office Institutional) to OI with an additional use so the property may be rehabilitated as a residence. The property contains a residential structure that has been used both residentially and commercially in the past. The property to the west is zoned OI but used as a single family home. To the east is another property zoned OI and used commercially as a psychologist's office. Across Trammell Street to the north are other properties zoned OI but used as single family residences. Apartments, zoned PRD-MF (Planned Residential Development – Multi Family), lie to the immediate south of the subject property.

Use Potential and Impacts

The applicant purchased the property with the intention of restoring the dilapidated structure into a home and was under the assumption that the property held a residential zoning classification. The structure was built and has mainly been used as a residence. However, business license history indicates the property was used as an office in the 1990s. Due to the project's cost and the property's history of being used commercially, Section 706.03 (C) requires the property may only be restored for office use. The applicant would like to continue using the property for residential purposes while keeping the commercial zoning intact.

Residential land uses are typically less intensive than commercial uses in that they usually generate less traffic and noise. As a result, residential uses are generally more desirable as neighbors. Since the existing neighborhood is primarily residential and the subject property has historically been used as a residence, reestablishing the residential use should not negatively affect the surrounding properties.

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan, is Medium Density Residential (MDR). The FLU serves as a guide for long-term growth and how development should occur over time. The purpose of MDR is to provide for areas that are suitable for residential densities ranging from three (3) to six (6) units per acre, such as single family detached, clustered, and town homes. Although an OI zoning classification would not be considered compatible with the MDR Future Land Use, the additional residential use being requested would be considered compatible.



Environmental Impacts

Any proposed changes to the site should be minimal so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

It is likely that the site is not in complete conformance with the Tree Protection and Landscaping ordinance (§712.08). The trees that are present are mature and appear to meet the intent of the ordinance, if not the individual criteria. As a result, a variance would be required to allow the trees currently on the site to satisfy the requirements of the tree ordinance until the site is redeveloped or converted to commercial use:

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is converted to commercial use.

Economic Functionality

Despite being zoned OI, the property has a fairly continuous history of being used as a residence. This would indicate that the property is not appropriately zoned. However, recent economic conditions have subdued the demand for commercial real estate while the need for affordable residential property has proven to be constantly in demand. It is likely that, in a stronger market, this property would have a reasonable economic use under the current OI zoning. However, a lack of sufficient parking would likely have an impact on the use and usability of the property for commercial purposes.

Infrastructure

The driveway for the property is shared with the adjacent residence to the west (right) side. A cross access easement is not indicated on the survey submitted with the rezoning application so it is unclear whether there is a formal arrangement regarding the use of the driveway.

Two parking spaces are required for a single family residence for which there is ample space along the right (west) side of the home. However, the parking surface is primarily dirt and does not meet city code, which requires a surface of asphalt, brick, or concrete. The following variance would be required to allow the parking surface to remain as-is:

- Variance to allow the storage of vehicles on an unapproved surface until the site is converted to commercial use.

The survey submitted with the rezoning application shows that a wooden retaining wall and a portion of concrete stairs lie within the city's right-of-way. Dealing with this concern would require a separate action from the City Council.

History of Property

There is no history of any variances, Special Land Use Permits, or past rezonings for this property.

Other Issues

Because the property and structure was originally built to be used as a residence, there are many aspects of the site that do not comply with the OI zoning standards. As a result, the following variances would be necessary in order to make the site conform:

- Variance to reduce the minimum lot width from 75' to 53.77.' §708.23 (H)
- Variance to reduce the front setback from 30' to 21.24' in order to accommodate the existing building. §708.23 (H)
- Variance to reduce the left (east) side setback from 15' to 9.82' in order to accommodate the existing building. §708.23 (H)
- Variance to reduce the right (west) side setback from 15' to 11.35' in order to accommodate the existing building. §708.23 (H)
- Variance to reduce the minimum lot size from 20,000 s.f. to 6,621.12 s.f. §708.23 (H)

Should the property be rezoned as requested and the applicant wish to eventually use the property as a commercial business, the applicant would need to work with all City Departments in order to ensure that the building is brought up to commercial code.

The City has received a handful of similar rezoning requests in the past few years. In December 2010, City Council rezoned a property at 1051 South Marietta Parkway from CRC to R-4 after the applicant made an original request to rezone from CRC to CRC with an additional use for residential (Z2010-13). After receiving and denying a request (Z2011-03) to rezone a parcel from CRC to CRC with an additional use for residential, City Council rezoned a single family home at 712 Lawrence Street in October 2011 per Z2011-14 from CRC to R-4. In October 2012, City Council approved requests to allow residences at a property zoned NRC, located at 363 Campbell Hill Street (Z2012-07), and at a property zoned LRO, located at 591 Colonial Circle (Z2012-08).

ANALYSIS & CONCLUSION

David Youssi is requesting the rezoning of 25 Trammell Street from OI (Office Institutional) to OI with an additional use so the property may be rehabilitated as a residence. The applicant purchased the property with the intention of restoring the dilapidated structure into a home and was under the assumption that the property held a residential zoning classification. Due to the project's cost and the property's history of being used commercially, Section 706.03 (C) requires the property may only be restored for office use. The applicant would like to continue using the property for residential purposes while keeping the commercial zoning intact.

Residential land uses are typically less intensive than commercial uses in that they usually generate less traffic and noise. As a result, residential uses are generally more desirable as neighbors. However, the following would be necessary in order for the property to be used as requested:

1. Variance to allow a single family residence as a permitted use; however, if the main structure is demolished, the zoning will revert back to OI, without the residential use.
2. Variance to reduce the minimum lot width from 75' to 53.77.' §708.23 (H)
3. Variance to reduce the front setback from 30' to 21.24' in order to accommodate the existing building. §708.23 (H)
4. Variance to reduce the left (east) side setback from 15' to 9.82' in order to accommodate the existing building. §708.23 (H)
5. Variance to reduce the right (west) side setback from 15' to 11.35' in order to accommodate the existing building. §708.23 (H)
6. Variance to reduce the minimum lot size from 20,000 s.f. to 6,621.12 s.f. §708.23 (H)
7. Variance to allow the current trees and landscaping conditions to satisfy the requirements of Section 712.08 until the site is converted to commercial use. §712.08
8. Variance to allow the storage of vehicles on an unapproved surface until the site is converted to commercial use. §716.08

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan, is Medium Density Residential (MDR). Although an OI zoning classification would not be considered compatible with the MDR Future Land Use, the additional residential use would be considered compatible.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	6 inch.
Capacity of the water line?	Available
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8 inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



Drainage and Environmental Concerns

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Ward Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Trammell Street Powder Springs Street
What is the classification of the road?	Trammell Street: Local Powder Springs Street: Arterial
What is the traffic count for the road?	Trammell Street: no data available Powder Springs Street: 29,880 AADT 2-way
Estimated number of cars generated by the proposed development? **	Insufficient data
Estimated number of trips generated by the proposed development? **	Insufficient data
Do sidewalks exist in the area?	YES
Transportation improvements in the area?	NO
If yes, what are they?	---

*** The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review.*

- If there is proposed land disturbance, site plans will be required for construction. Site plans may need to include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal, if necessary. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain. If no changes to the property, site plans will not be required.
- Intrusions of improvements (ie: walls, fences, driveway, etc) must be removed from property lines, if from adjacent property. If they are not removed, then recorded easements are required with the DB & Pg noted on the Exemption Plat.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 51
Distance of the nearest station?	0.8 mile
Most likely station for 1 st response?	Marietta Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None



MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development:	Al Burruss
Grades six (6) through twelve (12) will be serviced by:	
- Marietta Middle School	
- Marietta High School	
Current Capacity at Servicing Elementary School:	500 - 600
Current Capacity at Marietta Middle School:	1,300 - 1,400
Current Capacity at Marietta High School:	2,500 - 2,600
Current Enrollment at Servicing Elementary School:	431
Current Enrollment at:	
- Marietta Sixth Grade Academy:	
- Marietta Middle School:	1,136
- Marietta High School:	1,822
Number of students generated by present development:	none
Number of students projected from proposed development at:	
- Elementary level:	none
- Sixth Grade level:	none
- Middle School 7 th & 8 th Grade level:	none
- High School level:	none
New School(s) planned that might serve this area:	none

Comments: